

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA, :
:
Plaintiff, : 2:22-cr-047
: JUDGE SARGUS
v. :
:
JOHN J. KOTCHKOSKI, :
:
Defendant. :
:

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in accordance with Rule 32.2 of the Federal Rules of Criminal Procedure, the Information (Doc. 25) filed in this case contained a Forfeiture Allegation notifying Defendant John J. Kotchkoski that upon conviction of the controlled substance offense alleged in Count One of the Information, he shall forfeit to the United States, under 21 U.S.C. § 853(a)(1) and (2), all right, title, and interest any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense, including, but not limited to, the following (“the subject property”):

- a. A black 2016 Cadillac Escalade, VIN 1GYS4BKJ1GR125152, Ohio license JEK9897;
- b. Assorted firearms, equipment, ammunition, and magazines, including:
 - i. A Beretta. Model M9A3, 9mm pistol, bearing Serial Number BER734164, and approximately 18 round of 9mm ammunition;
 - ii. A Marlin Firearms Co., Model 1895SBL, 45/70 caliber rifle, bearing Serial Number MR84225F, with an attached Sparc scope;
 - iii. A Glock, Model 19 199x19, 9mm pistol, bearing Serial Number AFBL763;
 - iv. A Remington Arms Co., Model 870 Tactical, 12-gauge shotgun, bearing Serial Number RS08244M, with an attached Leupold scope bearing Serial Number 660570W;

- v. A Marlin Firearms Co., Model 1895 SBL, 45/70 caliber rifle, bearing Serial Number MR91519G;
- vi. A Remington Arms Co., Model 11-87, 12-gauge shotgun, bearing Serial Number PC350009;
- vii. An FN Herstal, Model Scar 17S, 7.62x51 caliber rifle, bearing Serial Number HC64156;
- viii. A Smith & Wesson, Model M&P-15, rifle, bearing Serial Number SX24898;
- ix. A Noveske Rifleworks LLC, Model NSR-13.5, .556 caliber rifle, bearing Serial Number F13200, with an attached Aimpoint Park sight bearing Serial Number K4019250, and an attached Surefire light bearing Serial Number A26026;
- x. A Daniel Defense, Model DDM4, rifle, bearing Serial Number DDM4-123036;
- xi. A Smith & Wesson, Model M&P-15, rifle, bearing Serial Number SV29102;
- xii. A Smith & Wesson, Model M&P Body Guard, .380 caliber pistol, bearing Serial Number KCU0456;
- xiii. A Kimber, Model K6S, .357 magnum revolver, bearing Serial Number RV004715;
- xiv. A Sig Sauer, Model P227, .45 caliber pistol, bearing Serial Number 51B033369;
- xv. A Sig Sauer, Model P226, 9mm pistol, bearing Serial Number UU744265;
- xvi. A Beretta, Model Elite LTT, 9mm pistol, bearing Serial Number LTT004056;
- xvii. An H&K, Model VP9, 9mm pistol, bearing Serial Number 224-150263, including approximately 1 round of Winchester 9mm ammunition;
- xviii. An FNH Belgium, Model Scar 16S, 5.56x45 caliber rifle, bearing Serial Number LC33669, including approximately 30 rounds of Speer 80 ammunition;
- xix. An Aimpoint Patriot Rifle Optic, bearing Serial Number K3021652
- xx. A Kinetic Development Group SCAR SAS folding stock;
- xxi. An IWI Israel Weapon Industries, Model Galil Ace Sar, 5.56x45 caliber rifle, bearing Serial Number G2001462, including approximately 30 rounds of LC15 ammunition;
- xxii. A Spitfire 3x optic, bearing Serial Number 190901407;

- xxiii. A Sig Sauer, Model P365, 9mm pistol, bearing Serial Number 66B348327, including approximately 8 rounds of 9mm Speer ammunition;
- xxiv. A Kimber 357 Magnum, .357 caliber revolver, bearing Serial Number RV037112, including approximately 48 rounds of ammunition and magazines; and
- xxv. Assorted magazines containing ammunition.

- c. Approximately \$246.00 in United States currency;
- d. Approximately \$12,102.79 in United States currency;
- e. A 2021 Chevrolet Corvette, VIN 1G1YB2D48M5109782; and
- f. A total of \$500,000.00 in United States currency in the form of a forfeiture money judgment representing the proceeds acquired by Defendant John J. Kotchkoski from the offense alleged in the Information.

WHEREAS, on March 23, 2022, a Plea Agreement (Doc. 27) was also filed in this case in which Defendant John J. Kotchkoski agreed to plead guilty to Count One of the Information, which charged him with Conspiracy to Distribute and to Possess With Intent to Distribute 400 Grams or More of a Mixture or Substance Containing a Detectable Amount of Fentanyl, in violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A)(vi). Defendant John J. Kotchkoski also agreed to voluntarily surrender for forfeiture to the United States all of his right, title and interest in the subject property identified in the Forfeiture Allegation of the Information. He acknowledged that the subject property constitutes, or was derived from, proceeds he obtained, directly or indirectly, as a result of the violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A)(vi) to which he has agreed to plead guilty, and/or is property that was used, or was intended to be used, in any manner or part, to commit, or to facilitate the commission of this violation, and is therefore subject to forfeiture to the United States under 21 U.S.C. § 853(a)(1) and (2). Defendant John J. Kotchkoski also agreed to the entry of a forfeiture money judgment against him in the amount of \$500,000.00

in favor of the United States. He acknowledged that the forfeiture money judgment represents a conservative estimate of the proceeds he personally obtained as a result of the violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A)(vi) to which he has agreed to plead guilty. Defendant John J. Kotchkoski also consented to the entry of any orders necessary to complete the forfeiture and disposal of the subject property identified in this case; and

WHEREAS, on April 1, 2022, Defendant John J. Kotchkoski entered a Plea of Guilty to Count One of the Information in accordance with his Plea Agreement; and

WHEREAS, based upon the record of this case and the agreement of the parties, the Court finds that the requisite nexus exists between the subject property and Count One of the Information, that the subject property is forfeitable under 21 U.S.C. § 853(a)(1) and (2), and that the United States is now entitled to possession of the subject property.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

1. That Defendant John J. Kotchkoski shall forfeit to the United States the subject property that is:
 - a. A black 2016 Cadillac Escalade, VIN 1GYS4BKJ1GR125152, Ohio license JEK9897;
 - b. Assorted firearms, equipment, ammunition, and magazines, including:
 - i. A Beretta Model M9A3, 9mm pistol, bearing Serial Number BER734164, and approximately 18 round of 9mm ammunition;
 - ii. A Marlin Firearms Co., Model 1895SBL, 45/70 caliber rifle, bearing Serial Number MR84225F, with an attached Sparc scope;
 - iii. A Glock, Model 19 199x19, 9mm pistol, bearing Serial Number AFBL763;
 - iv. A Remington Arms Co., Model 870 Tactical, 12-gauge shotgun, bearing Serial Number RS08244M, with an attached Leupold scope bearing Serial Number 660570W;
 - v. A Marlin Firearms Co., Model 1895 SBL, 45/70 caliber rifle, bearing Serial Number MR91519G;

- vi. A Remington Arms Co., Model 11-87, 12-gauge shotgun, bearing Serial Number PC350009;
- vii. An FN Herstal, Model Scar 17S, 7.62x51 caliber rifle, bearing Serial Number HC64156;
- viii. A Smith & Wesson, Model M&P-15, rifle, bearing Serial Number SX24898;
- ix. A Noveske Rifleworks LLC, Model NSR-13.5, .556 caliber rifle, bearing Serial Number F13200, with an attached Aimpoint Park sight bearing Serial Number K4019250, and an attached Surefire light bearing Serial Number A26026;
- x. A Daniel Defense, Model DDM4, rifle, bearing Serial Number DDM4-123036;
- xi. A Smith & Wesson, Model M&P-15, rifle, bearing Serial Number SV29102;
- xii. A Smith & Wesson, Model M&P Body Guard, .380 caliber pistol, bearing Serial Number KCU0456;
- xiii. A Kimber, Model K6S, .357 magnum revolver, bearing Serial Number RV004715;
- xiv. A Sig Sauer, Model P227, .45 caliber pistol, bearing Serial Number 51B033369;
- xv. A Sig Sauer, Model P226, 9mm pistol, bearing Serial Number UU744265;
- xvi. A Beretta, Model Elite LTT, 9mm pistol, bearing Serial Number LTT004056;
- xvii. An H&K, Model VP9, 9mm pistol, bearing Serial Number 224-150263, including approximately 1 round of Winchester 9mm ammunition;
- xviii. An FNH Belgium, Model Scar 16S, 5.56x45 caliber rifle, bearing Serial Number LC33669, including approximately 30 rounds of Speer 80 ammunition;
- xix. An Aimpoint Patriot Rifle Optic, bearing Serial Number K3021652
- xx. A Kinetic Development Group SCAR SAS folding stock;
- xxi. An IWI Israel Weapon Industries, Model Galil Ace Sar, 5.56x45 caliber rifle, bearing Serial Number G2001462, including approximately 30 rounds of LC15 ammunition;
- xxii. A Spifire 3x optic, bearing Serial Number 190901407;
- xxiii. A Sig Sauer, Model P365, 9mm pistol, bearing Serial Number 66B348327, including approximately 8 rounds of 9mm Speer ammunition;

- xxiv. A Kimber 357 Magnum, .357 caliber revolver, bearing Serial Number RV037112, including approximately 48 rounds of ammunition and magazines; and
- xxv. Assorted magazines containing ammunition.

- c. Approximately Two Hundred Forty-Six and 00/100 Dollars (\$246.00) in United States currency;
- d. Approximately Twelve Thousand One Hundred Two and 79/100 Dollars (\$12,102.79) in United States currency;
- e. A 2021 Chevrolet Corvette, VIN 1G1YB2D48M5109782; and
- f. A total of \$500,000.00 in United States currency in the form of a forfeiture money judgment representing the proceeds acquired by Defendant John J. Kotchkoski from the offense alleged in the Information.

2. That the designated agent with the United States Marshals Service and/or the Federal Bureau of Investigation shall immediately seize the subject property and hold same in its secure custody and control.
3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).
4. That, in accordance with 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b)(6), the United States shall publish notice of this Order and of its intent to dispose of the subject property in such manner as the Attorney General may direct. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.
5. That pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant John J. Kotchkoski at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, the United

States may, as provided by Fed. R. Crim. P. 32.2(c)(2), notify the Court that this Order shall become the Final Order of Forfeiture.

6. That following the Court's disposition of all petitions filed in accordance with 21 U.S.C. § 853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

7. That the Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 28th day of June, 2022.

s/Edmund A. Sargus, Jr.
HONORABLE EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

KENNETH L. PARKER
United States Attorney

s/Peter K. Glenn-Applegate
PETER K. GLENN-APPLEGATE (0088708)
ELIZABETH A. GERAGHTY (0072275)
Assistant United States Attorneys